

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ORMET PRIMARY ALUMINUM CORPORATION

AI # 3420

PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.

- * Settlement Tracking No.
- * SA-WE-08-0031
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- * Enforcement Tracking No.
- * WE-CN-04-1188
- * WE-CN-06-0277
- * WE-CN-06-0277A
- *
- *
- * Docket No. 2007-0660-EQ
- *

SETTLEMENT

The following Settlement is hereby agreed to between Ormet Primary Aluminum Corporation ("Respondent") and the Louisiana Department of Environmental Quality ("the LDEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a corporation that owns and/or operates an alumina extraction facility located at 41237 La. Highway 22 in Burnside, Ascension Parish, Louisiana ("the Facility").

II

On December 29, 2004, the LDEQ issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-04-1188, which was based upon the following findings of fact:

The Respondent owns and/or operates an alumina extraction facility located at 41237 La. Highway 22 in Burnside, Ascension Parish, Louisiana. The Respondent was issued National

Pollutant Discharge Elimination System (NPDES) permit LA0005606 effective June 1, 1994, with an expiration date of May 31, 1999. In accordance with the assumption of the NPDES program by the state of Louisiana, NPDES permit LA0005606 became a Louisiana Pollutant Discharge Elimination System (LPDES) permit with the same expiration date. The Respondent submitted a permit renewal application in a timely manner and LPDES permit LA0005606 was administratively continued until it was reissued with an effective date of October 1, 2004. LPDES permit LA0005606 expires on September 30, 2009. Under the terms and conditions of LPDES permit LA0005606, the Respondent is authorized to discharge low-contamination potential storm water runoff, once-through non-contact cooling water, treated sanitary wastewater, coal pile storm water runoff, and process area condensates to Conway Canal, thence to the Blind River, thence to the Panama Canal through Outfall 001; and miscellaneous utility wastewater and the overflow discharge of excess process wastewater/storm water to the Mississippi River through Outfalls 002 and 003. Conway Canal, Blind River, Panama Canal, and the Mississippi River are all waters of the state.

An inspection conducted by the Department on or about October 18, 2004, and a subsequent file review conducted on or about December 14, 2004, revealed the following permit excursions, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
12/2003	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	5 Events
12/2003	001	pH Range Excursions, Monthly Total Accumulated Time in Minutes	446 Minutes	967 Minutes
02/2004	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event
04/2004	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	2 Events
04/2004	001	pH Range Excursions, Monthly Total Accumulated Time in Minutes	446 Minutes	529 Minutes
04/2004	001	TSS Daily Maximum	50 mg/L	66.4 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
05/2004	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event
06/2004	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event
06/2004	101	TSS Daily Maximum	50 mg/L	106.4 mg/L
07/2004	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event
07/2004	101	TSS Daily Maximum	50 mg/L	54 mg/L
08/2004	101	TSS Daily Maximum	50 mg/L	79.4 mg/L
09/2004	201	BOD Daily Average	30 mg/L	63 mg/L
09/2004	201	BOD Daily Maximum	45 mg/L	63 mg/L

Each excursion of the permit constitutes a violation of LPDES permit LA0005606 (Part I and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

A file review conducted by the Department on or about December 14, 2004, revealed that the Respondent allowed the unauthorized discharge of liquid sodium hydroxide on four (4) separate occasions. Specifically, on or about November 7, 2003, greater than 1,000 pounds leaked into the Mississippi River from a valve that was left open while product was being transferred from a barge. On or about July 2, 2004, 2,400 pounds overflowed from a tank that was being filled onsite. On or about October 14, 2004, 670 pounds overflowed from a process vessel during a batch filling operation. On or about November 7, 2004, greater than 1,000 pounds discharged due to operator error during preparation for a plant maintenance turnaround. For the events that occurred on July 2, October 14, and November 7, 2004, the sodium hydroxide was treated with muriatic acid to neutralize the solution at the pH control station upstream of Outfall 001. Each unauthorized discharge prior to October 1, 2004, is in violation of LPDES permit LA0005606 (Part I and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A. Each unauthorized discharge after

October 1, 2004, is in violation of LPDES permit LA0005606 (Part I and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

Further file review by the Department on or about December 14, 2004, revealed that the Respondent failed to sample at Outfall 101 as required by LPDES permit LA0005606 after a 1.27-inch rainfall during the week of May 16 through 22, 2004. The Respondent's failure to sample its effluent in accordance with its permit is in violation of LPDES permit LA0005606 (Part I, page 4, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

On November 29, 2006, the LDEQ issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-06-0277, which was based upon the following findings of fact:

The Respondent owns and/or operates an alumina extraction facility located at 41237 La. Highway 22 in Burnside, Ascension Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0005606 effective October 1, 2004, with an expiration date of September 30, 2009. Under the terms and conditions of LPDES permit LA0005606, the Respondent is authorized to discharge low-contamination potential storm water runoff, once-through non-contact cooling water, treated sanitary wastewater, coal pile storm water runoff, and process area condensates to Conway Canal, thence to the Blind River, thence to the Panama Canal through Outfall 001; and miscellaneous utility wastewater and the overflow discharge of excess process wastewater/storm water to the Mississippi River through Outfalls 002 and 003. Conway Canal, Blind River, Panama Canal, and the Mississippi River are all waters of the state.

The Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty WE-CN-04-1188 on or about December 29, 2004. The relevant violations of the Compliance Order

were exceedances of permit effluent limitations, unauthorized discharges of sodium hydroxide, and a failure to sample. The relevant requirements of the Compliance Order were to immediately take all steps necessary to meet and maintain compliance with LPDES permit LA0005606; and to submit to the Enforcement Division, within thirty (30) days, a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance with the Compliance Order and corrective or remedial actions taken to mitigate any damages resulting from the violation. Consolidated Compliance Order and Notice of Potential Penalty WE-CN-04-1188 is a final action of the Department and not subject to further review.

A file review conducted by the Department on or about November 8, 2006, revealed the following permit excursions, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
01/2005	201	Fecal Coliform Weekly Average	400 col/100 ml	6600 col/100 ml
06/2005	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	3 Events
06/2005	001	pH Range Excursions, Monthly Total Accumulated Time in Minutes	446 Minutes	447 Minutes
08/2005	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event
09/2005	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event
11/2005	101	TSS Daily Maximum	50 mg/L	67.6 mg/L
12/2005	101	TSS Daily Maximum	50 mg/L	207 mg/L
12/2005	201	TSS Monthly Average	30 mg/L	49.4 mg/L
12/2005	201	TSS Weekly Average	45 mg/L	49.4 mg/L
02/2006	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	2 Events
02/2006	001	pH Range Excursions, Monthly Total Accumulated Time in Minutes	446 Minutes	686 Minutes
02/2006	101	TSS Daily Maximum	50 mg/L	53 mg/L
02/2006	201	TSS Monthly Average	30 mg/L	35 mg/L
03/2006	201	TSS Monthly Average	30 mg/L	39 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
04/2006	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	2 Events
04/2006	001	pH Range Excursions, Monthly Total Accumulated Time in Minutes	446 Minutes	818 Minutes
04/2006	101	TSS Daily Maximum	50 mg/L	153 mg/L
05/2006	101	TSS Daily Maximum	50 mg/L	95 mg/L
06/2006	101	TSS Daily Maximum	50 mg/L	296 mg/L
07/2006	101	TSS Daily Maximum	50 mg/L	139 mg/L
09/2006	101	TSS Daily Maximum	50 mg/L	91 mg/L
10/2006	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	2 Events
10/2006	101	TSS Daily Maximum	50 mg/L	109 mg/L

Each excursion of the permit constitutes a violation of Consolidated Compliance Order And Notice of Potential Penalty, WE-CN-04-1188, LPDES permit LA0005606 (Part I and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about November 8, 2006, revealed that the Respondent allowed the unauthorized discharge of liquid sodium hydroxide on five (5) separate occasions. Specifically, on or about December 23, 2004, less than 1,000 pounds overflowed from a process tank due to a plugged containment overflow line. Although much of the overflow was captured and returned to the process, approximately 240 pounds discharged through the storm drain system at the Conway Canal. On or about December 24, 2004, less than 3,000 pounds overflowed due to a process vessel pressure rupture disc in the vent line failure, as well as operator error. Approximately 2,400 of the 3,000 pounds discharged through the storm drain system at the Conway Canal. On or about January 12, 2005, approximately 2,630 pounds was released due to an operator incorrectly opening a process valve and allowing the material to flow into the plant storm drain system. On or about June 19, 2005, approximately 710 pounds discharged from a #2 feed line that developed a small hole in the line, which discharged outside of the containment area onto the ground

and into the storm drain system. On or about June 24, 2005, approximately 2,900 pounds was released due to a piping error when a vessel was improperly put into service. The material flowed outside of the containment area and into the storm drain system. Each unauthorized discharge is in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-04-1188, LPDES permit LA0005606 (Part I and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A. The failure to operate and maintain equipment is in violation of LPDES permit LA0005606 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

On May 21, 2007, the LDEQ issued to Respondent an Amended Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-06-0277A, which amended the Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-06-0277, as follows:

The Department hereby amends Paragraph III of the Findings of Fact to read as follows:

“III.

File reviews conducted by the Department on or about November 8, 2006 and May 1, 2007, revealed the following permit excursions, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
01/2005	201	Fecal Coliform Weekly Average	400 col/100 ml	6600 col/100 ml
06/2005	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	3 Events
06/2005	001	pH Range Excursions, Monthly Total Accumulated Time in Minutes	446 Minutes	447 Minutes
08/2005	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event

Date	Outfall	Parameter	Permit Limit	Sample Value
09/2005	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event
11/2005	101	TSS Daily Maximum	50 mg/L	67.6 mg/L
12/2005	101	TSS Daily Maximum	50 mg/L	207 mg/L
12/2005	201	TSS Monthly Average	30 mg/L	49.4 mg/L
12/2005	201	TSS Weekly Average	45 mg/L	49.4 mg/L
02/2006	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	2 Events
02/2006	001	pH Range Excursions, Monthly Total Accumulated Time in Minutes	446 Minutes	686 Minutes
02/2006	101	TSS Daily Maximum	50 mg/L	53 mg/L
02/2006	201	TSS Monthly Average	30 mg/L	35 mg/L
03/2006	201	TSS Monthly Average	30 mg/L	39 mg/L
04/2006	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	2 Events
04/2006	001	pH Range Excursions, Monthly Total Accumulated Time in Minutes	446 Minutes	818 Minutes
04/2006	101	TSS Daily Maximum	50 mg/L	153 mg/L
05/2006	101	TSS Daily Maximum	50 mg/L	95 mg/L
06/2006	101	TSS Daily Maximum	50 mg/L	296 mg/L
07/2006	101	TSS Daily Maximum	50 mg/L	139 mg/L
09/2006	101	TSS Daily Maximum	50 mg/L	91 mg/L
10/2006	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	2 Events
10/2006	101	TSS Daily Maximum	50 mg/L	109 mg/L
11/2006	101	TSS Daily Maximum	50 mg/L	137 mg/L
12/2006	001	pH Range Excursions, Number of Events >60 Minutes	0 Events	1 Event
12/2006	101	TSS Daily Maximum	50 mg/L	175 mg/L
03/2007	101	TSS Daily Maximum	50 mg/L	127 mg/L

Each excursion of the permit constitutes a violation of Consolidated Compliance Order and Notice of Potential Penalty We-Cn-04-1188, LPDES permit LA0005606 (Part I and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.”

The LDEQ incorporated all of the remainder of the original Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Tracking No. WE-CN-06-0277, and Agency Interest No. 3420 as if reiterated therein. The Amended Consolidated Compliance Order and Notice of Potential Penalty was effective upon receipt.

In addition to the foregoing, the following violations, although not cited in any enforcement action issued to Respondent, are included herein and made a part of this settlement agreement.

A file review conducted by the Department on or about August 4, 2008, revealed that the Respondent failed both the primary seven-day lethality test and sub-lethality test for the survival of *Pimephales promelas* for the quarterly monitoring period of October 1, 2004 through December 31, 2004 for Outfall 001. The Respondent also failed the second seven-day lethality and sub-lethality re-tests for *Pimephales promelas* conducted in January 2005 for Outfall 001. Each failure to pass the quarterly toxicity testing constitutes a violation of LPDES permit LA0005606 (Part I, pages 2, 3, and 4 of 9, Part II, Section N, and Part III, Section A.2), La. R.S. 30:2076 (A)(1)(a), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

File reviews conducted by the Department on or about June 25, 2008, and on or about August 4, 2008, revealed that the Respondent exceeded effluent limitations. These effluent exceedances as reported by the Respondent on Discharge Monitoring Reports (DMRs) are summarized below:

Monthly Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
06/2007*	101A	Total Suspended Solids - (Daily Max.) - mg/L	50.00	192.00
10/2007*	101A	Total Suspended Solids - (Daily Max.) - mg/L	50.00	244.00
01/2008*	101A	Total Suspended Solids - (Daily Max.) - mg/L	50.00	139.00

* Indicates Non-Compliance Report was not submitted.

Each effluent exceedance constitutes a violation of LPDES permit LA0005606 (Part I, Page 5 of 9 and Part III Section A.2), La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about August 4, 2008, revealed that the Respondent did not submit non-compliance reports (NCRs) for the monitoring periods indicated by an asterisk (*) in the aforementioned table. Each failure to submit an NCR constitutes a violation of LPDES permit LA0005606 (Part III, Sections A.2 and D.7), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

A file review conducted by the Department on or about August 4, 2008, revealed that the Respondent allowed the unauthorized discharge of liquid sodium hydroxide. Specifically, on or about June 4, 2007, as a result of operator error, a valve was left in the open position causing a backflow of a sodium hydroxide solution which in turn caused a tank to overflow and the solution to flow onto the ground, thence into a storm drain, thence into the treatment station, thence into the Panama Canal, waters of the state. An unauthorized discharge constitutes a violation of Consolidated Compliance Order & Notice of Potential Penalty WE-CN-04-1188, Consolidated Compliance Order & Notice of Potential Penalty WE-CN-06-0277, LPDES permit LA0005606 (Part I, Part II, Section B, and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A)(1)(a), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about August 4, 2008, revealed that the Respondent failed to submit the annual 48-hour acute biomonitoring DMR for 2007 in a timely manner for the combined Outfalls 002 and 003. The Respondent is required to submit annual DMRs no later than January 15th of the following year. The failure to submit a DMR in a timely manner

constitutes a violation of LPDES permit LA0005606 (Part II, Section M and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.

A file review conducted by the Department on or about August 4, 2008, revealed that the Respondent did not measure flow on a continuous basis for Outfall 001A for the monthly monitoring periods of April 2007 through June 2008. Specifically, the Respondent is estimating flow for Outfall 001A once a month as reported by the Respondent on DMRs. Also, it was revealed that the Respondent did not estimate flow once a week for Outfall 101A for the monthly monitoring periods of April 2007 through June 2008. Specifically, the Respondent is estimating flow for Outfall 101A once a month as reported by the Respondent on DMRs. Each failure to properly measure flow data constitutes a violation of LPDES permit LA0005606 (Part I, Pages 2 and 5 of 9 and Part III, Sections A.2 and C.6), La. R. S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about August 4, 2008, revealed that the Respondent reported inconsistent Monthly Average and Daily Maximum amounts for flow data for Outfalls 001A and 101A for the monitoring periods of April 2007 through June 2008. Specifically, the Respondent reported on DMRs that the flow data was estimated once a month for the two outfalls; however, the Monthly Average and Daily Maximum amounts reported on DMRs were not the same. Each submittal of an inaccurate DMR constitutes a violation of LPDES permit LA0005606 (Part II, Section M and Part III, Section A.2), La R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

III

In response to Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-04-1188, and Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-06-0277, Respondent made timely requests for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the LDEQ agrees to accept, a payment in the amount of TWENTY-ONE THOUSAND AND NO/100 DOLLARS (\$21,000.00) of which Two Thousand Seven Hundred Ten and 60/100 Dollars (\$2,710.60) represents the LDEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

Respondent further agrees that the LDEQ may consider the inspection report(s), the Consolidated Compliance Orders and Notices of Potential Penalty, the Amended Consolidated Compliance Order and Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the LDEQ against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may

be required for interpretation of this agreement in any action by the LDEQ to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the LDEQ considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

VIII

Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Burnside, Ascension Parish, Louisiana. The advertisement, in form, wording, and size approved by the LDEQ, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the LDEQ and, as of the date this Settlement is executed on behalf of the LDEQ, more than forty-five (45) days have elapsed since publication of the notice.

IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the LDEQ. Payments are to be made by check, payable to the Louisiana Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Louisiana Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

X

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

ORMET PRIMARY ALUMINUM CORPORATION

BY: [Signature]
(Signature)

TG Temple
(Print)

TITLE: Vice President

THUS DONE AND SIGNED in duplicate original before me this 16th day of December, 20 08, at New York, New York.

CHARLES S. WARREN
Notary Public, State of New York
No. 4941594
Qualified in New York County
Commission Expires Aug. 29, 2010

[Signature]
NOTARY PUBLIC (ID #4941594)

CHARLES S. WARREN
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Harold Leggett, Ph.D., Secretary

BY: [Signature]
Peggy M. Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 26th day of March, 20 09, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(Print)

Approved: [Signature]
Peggy M. Hatch, Assistant Secretary